



TOWN OF RIVERHEAD

DETERMINATION OF THE ZONING BOARD OF APPEALS

GRANTED
WITH CONDITIONS

APPEAL NO: 2019-060

APPLICANT/PROPERTY OWNER: Tarra Development Corp., 38 Clay Pit Rd, Remsenburg, NY 11960

RELIEF SOUGHT: for variances and/or relief from Chapter 301 Section 11 where proposed lot size is 38,142 sf and minimum required is 40,000 sf; and, proposed Lot 1 is 122.58' and Lot 2 is 124.33' and minimum required is 150'.

LOCATION: 97 Ellen Street, Riverhead

SCTM#: 600-65-1-29.62

ZONING DISTRICT: Residence A-40 (RA40)

SIZE OF PROPERTY/REQUIRED SET BACKS: The entire subject parcel is approximately 1.9999 acres or 87,115 sq. ft. Minimum lot area is 40,000 square feet; minimum lot width is 150 feet; maximum impervious surface is 15%; maximum height of residential buildings is 35 feet; minimum front yard depth is 50 feet; minimum either side yard width is 25 feet; minimum both side yards, total width is 55 feet; minimum side yard abutting side street is 50 feet; minimum rear yard depth is 60 feet; accessory in side yard setback is 20 feet; accessory in rear yard setback is 20 feet; accessory setback to side/rear street line is 50 feet.

DATE OF HEARING: 1/9/2020; Reserve Decision 1/23/2020

INSPECTION DATES: 1/2/2020, 1/4/2020, 1/7/2020

SUFFOLK COUNTY PLANNING COMMISSION: Pursuant to the Suffolk County Administrative Code Sections A14-14 to 23 referral of this matter by the Zoning Board to the Suffolk County Department of Planning and Development was not required.

SEQRA: The Zoning Board of Appeals has visited the property under consideration and reviewed the application. It is noted that the Town of Riverhead Planning Board reviewed the subdivision application, and per Resolution No. 2020-008 dated January 16, 2020 the Planning Board assumed Lead Agency, classified the application as an Unlisted Action pursuant to SEQRA, and issued a negative declaration.

PLEASE TAKE NOTICE that at the public hearings of the Town of Riverhead Zoning Board of Appeals on the above referenced dates, the above referenced appeal was heard, evidence placed into the record and the application was duly considered. Based upon the foregoing, the Zoning Board of Appeals takes the following action:

HISTORY/PROPERTY FACTS

1. Parcel is part of subdivision Tall Oakes Estates; Map #8977 filed on July 17, 1990.
2. Property received Certificate of Occupancy (ZB 18-0334) dated March 22, 2019 for single family dwelling one-story modular over full unfinished basement with egress window, site-built covered front porch and attached two-car garage; 3 bed, 2 bath.
3. A subdivision application was submitted to the Planning Department on February 19, 2019, and a public hearing before the Planning Board was held on November 7, 2019.
4. A denial letter was sent from the Building Department on December 2, 2019, and an application was made to the Zoning Board of Appeals on December 6, 2019.
5. After reviewing the application, the history of the property and information gathered at the public hearing pursuant to the criteria set forth in Town Law 267-b this Board makes the following findings of fact:
 - a. The property is presently improved with the following structure(s):

- i. One-story frame house with attached two car garage
- ii. Covered front porch

FINDINGS: The evidence in the record establishes that weighing the benefit of granting the area variance request against the detriment of granting the area variance request to the health, safety and welfare of the community and finds as follows:

1. The variance sought would not produce an impact on adjacent properties or the neighborhood as the proposed lots are part of an existing subdivision with multiple residences on similar sized lots.
2. The requested variance is not substantial because the proposed lots still exceed the size of many lots in the Tall Oaks Estates subdivision.
3. The benefit sought by the applicant cannot be achieved by some alternative means because the subdivision cannot be approved without relief from this board.
4. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district as it is a large residential community; the addition of two homes will have little environmental impact on the surrounding area.
5. The alleged difficulty that the property owner is experiencing was not self-created as the proposed lots were reserved for the Riverhead Water District; however, that use was abandoned.

The motion was made by Mr. Wittmeier and seconded by Mr. Seabrook, that the aforementioned determination be approved:

THE VOTE

MR. SEABROOK: AYE MR. BARNES: AYE
MRS. WORTHINGTON: ABSENT MR. WITTMEIER: AYE
MR. MCLAUGHLIN: AYE

**This determination X was ___ was not
therefore duly adopted**

Based upon the foregoing, the following area variance is **GRANTED** and, if granted, is subject to the following conditions which, based upon the evidence presented, will minimize the adverse impacts that the variance would have on the community or district as identified above.

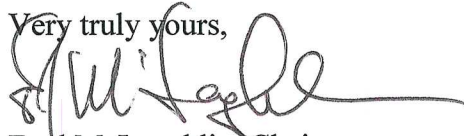
CONDITIONS

1. It is recommended that the Planning Board condition its approval on the applicant's agreement to dedicate the parcel identified as SCTM# 600-65-1-29.63 to the Town to be merged to the contiguous Town owned land.

If this is an approval, it is necessary that you take this duplicate original letter with you to the Building Department when applying for a Building Permit. Pursuant to Riverhead Town Code §105-8(D), any determination made by the Zoning Board of Appeals shall not become effective unless a permit is obtained in accordance herewith within one year of the date of such determination, unless the Zoning Board of Appeals has stipulated a different period of time in its determination. The Zoning Board of Appeals shall have the power, by resolution, to extend its determination for a period of one year upon written notice from the applicant or his agent of the desire to do so. No more than three such extensions shall be allowed. The provisions of this subsection shall not apply in cases of interpretation of variances for the use of land unless the Zoning Board of Appeals has indicated a time period in the determination. Failure to comply therewith will render this approval null and void. In the event that this is an approval subject to conditions, the approval shall not be deemed effective until such time that the foregoing conditions are met.

Dated: 1/30/2020

Very truly yours,



Fred McLaughlin, Chairman

ZONING BOARD OF APPEALS